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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of)

Raymond G. Goss et al.)

Group Art Unit: 2153

Application No.: 10/648,427)

Examiner: K. Lim

Filed: August 27, 2003)

For: CONTACT SERVICE FOR A CALL)
CENTER)

TRANSMITTAL FOR APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is an Appeal Brief in support of the Notice of Appeal filed

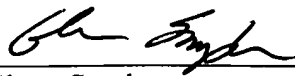
November 21, 2005.

Please charge the fee of ☐ \$250.00 ☒ \$500.00 to Deposit Account No. 13-2491.

The Commissioner is hereby authorized to charge any other appropriate fees that may be required by this paper that are not accounted for above, and to credit any overpayment, to Deposit Account No. 13-2491.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: 
Glenn Snyder
Reg. No. 41,428

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

CUSTOMER NUMBER: 25537

Date: January 20, 2006



PATENT
Attorney Docket No. COS97080C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
)	
Raymond G. Goss et al.)	Group Art Unit: 2153
)	
Serial No.: 10/648,427)	Examiner: K. Lim
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Filed: August 27, 2003)	
)	
For: CONTACT SERVER FOR A)	
CALL CENTER)	

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief – Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

This Appeal Brief is submitted in response to the Final Office Action mailed September 21, 2005 and in support of the Notice of Appeal filed November 21, 2005.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is MCI, Inc.

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II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 72-112 are pending in this application. Claims 72-112 are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the Final Office Action mailed September 21, 2005.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Each of the independent claims involved in this appeal is recited below, followed in parenthesis by examples of where support can be found in the specification and drawings for the claimed subject matter. In addition, each dependent claim argued separately is summarized below.

Claim 72 recites: A method for providing user support for a user accessing a web site, comprising: providing at least one web page to the user, the at least one web page including software associated with providing user support services (e.g., page 14, lines 3-12, page 26, lines 1-14, Fig. 6, frame 158 and Fig. 7A, step 110); receiving a request from the user, via the at least one web page, for support (e.g., page 14, lines 12-23, page 32, lines 20-22 and Fig. 7A, step 116); and identifying a user support party in response to the request (e.g., page 15, line 25 to page 16, line 19, page 33, lines 4-12 and Fig. 7A, steps 118 and 120).

Claim 73 recites: The method of claim 72, further comprising: sending the request for support to the identified user support party via a network (e.g., page 34, lines 14-19, Fig. 2, LAN 38, Fig. 7B, step 132).

Claim 74 recites: The method of claim 73, wherein the sending comprises: sending a uniform resource locator (URL) to the user support party, the URL representing the web page with which the request was made (e.g., page 17, lines 14-19, page 32, lines 20-27).

Claim 76 recites: The method of claim 72, further comprising: sending information to the identified user support party, the information comprising: at least one of the user's name or the user's telephone number, an Internet protocol address associated with the user, and a uniform resource locator representing the web page with which the request was made (e.g., page 17, lines 7-19, Fig. 6, frame 158).

Claim 78 recites: The method of claim 72, further comprising: determining an identifier associated with the user, and wherein the identifying a user support party comprises: identifying the user support party based on the identifier (e.g., page 14, lines 20-28, col. 15, line 24 to col. 16, line 5, page 33, lines 4-13 and Fig. 7A, steps 118 and 120).

Claim 80 recites: A system for providing user support for a user accessing a web site, comprising: at least one server (e.g., Fig. 2, call center) configured to: provide at least one web page to the user, the at least one web page including software associated with providing user

support services (e.g., page 14, lines 3-12, page 26, lines 1-14, Fig. 6, frame 158 and Fig. 7A, step 110); receive a request from the user, via the at least one web page, for support (e.g., page 14, lines 12-23, page 32, lines 20-22 and Fig. 7A, step 116); and identify a user support party in response to the request (e.g., page 15, line 25 to page 16, line 19, page 33, lines 4-12 and Fig. 7A, steps 118 and 120).

Claim 88 recites: In a user support system for providing support to a user accessing a web site (e.g., Fig. 2, call center), a method comprising: receiving information associated with the user, the information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page (e.g., page 17, lines 7-19, Fig. 6, frame 158); accessing a web page based on the received information (e.g., page 34, line 24 to page 35, line 9, Fig. 7B, steps 134, 136); and establishing a communications link with the user (e.g., page 35, line 5 to page 36, line 6, Fig. 7B, steps 138-142 and Fig. 7C, steps 144-148).

Claim 89 recites: The method of claim 88, wherein the received information associated with the user comprises the uniform resource locator representing the web page and wherein the web page represents a web page that the user was viewing when the request for user support was made (e.g., page 34, line 23 to page 35, line 9, Fig. 7B, steps 134, 136).

Claim 92 recites: The method of claim 88, further comprising: passing events performed on the user support system to the user via the communications link to enable the user to view a

same web page as that being displayed by the user support system (e.g., page 60, line 3 to page 61, line 4, Fig. 9A, steps 166, 168, 180, 182 and 184).

Claim 98 recites: The method of claim 88, further comprising: establishing an on-line chat session with the user (e.g., page 65, lines 3-6).

Claim 99 recites: In a user support system for providing support to a user accessing a web site, a method comprising: receiving information associated with the user, the information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page (e.g., page 17, lines 7-19, Fig. 6, frame 158); accessing a web page based on the received information (e.g., page 34, line 24 to page 35, line 9, Fig. 7B, steps 134, 136); and establishing a communications link with the user (e.g., page 35, line 5 to page 36, line 6, Fig. 7B, steps 138-142 and Fig. 7C, steps 144-148).

Claim 100 recites: The system of claim 99, wherein the information includes information identifying a web page that the user was viewing when the request for user support was made and when accessing the web site, the at least one processing device is configured to access the web page that the user was viewing (e.g., page 34, line 23 to page 35, line 9, Fig. 7B, steps 134, 136).

Claim 103 recites: The system of claim 99, wherein the at least one processing device includes a display device, the at least one processing device being further configured to: pass

events to the user via the communications link to enable the user to view a same web page as that being displayed by the display device (e.g., page 60, line 3 to page 61, line 4, Fig. 9A, steps 166, 168, 180, 182 and 184).

Claim 109 recites: The system of claim 99, wherein the at least one processing device is further configured to: establish an on-line chat session with the user (e.g., page 65, lines 3-6).

Claim 111 recites: A system, comprising: means for providing at least one web page to a user, the at least one web page including software associated with providing user support services (e.g., Fig. 2, web server 30, page 14, lines 3-12, page 26, lines 1-14, Fig. 6, frame 158 and Fig. 7A, step 110); means for receiving a request for support from the user via the at least one web page (e.g., Fig. 2, web server 30, Intranet server 66, page 14, lines 12-23 and page 32, lines 20-22); and means for identifying a user support party in response to the request (e.g., Fig. 2, contact server 28, page 15, line 25 to page 16, line 19 and page 33, lines 4-12).

Claim 112 recites: A system, comprising means for receiving information associated with a user, the information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page that the user was viewing when a request for user support was made (e.g., Fig. 2, web server 30, page 14, lines 12-23 and page 32, lines 20-22); means for accessing a web page based on the received information (e.g., Fig. 4, Intranet server 66 and Agent Browser 64, page 34, line

24 to page 35, line 9); and means for establishing a communications link with the user (e.g., Fig. 2, IP router 48, ACD 12, page 35, line 5 to page 36, line 6).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 72-112 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Saliba et al. (U.S. Patent No. 6,052,710; hereinafter Saliba).

VII. ARGUMENT

A. Rejection under 35 U.S.C. § 103 based on Saliba should be reversed.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

In establishing the requisite motivation, it has been consistently held that the requisite motivation to support the conclusion of obviousness is not an abstract concept, but must stem from the prior art as a whole to impel one having ordinary skill in the art to modify a reference or

to combine references with a reasonable expectation of successfully achieving some particular realistic objective. See, for example, Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Consistent legal precedent admonishes against the indiscriminate combination of prior art references. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985).

1. Claims 72, 77, 80, 85 and 111

With these principles in mind, claim 72 recites a method for providing user support for a user accessing a web site. The method includes providing at least one web page to the user, where the at least one web page includes software associated with providing user support services. The method also includes receiving a request from the user, via the at least one web page, for support, and identifying a user support party in response to the request.

The Final Office Action maintains and incorporates by reference the detailed rejection set forth in the Office Action mailed September 9, 2004 (referred to hereafter as “the Office Action”). Therefore, the detailed rejection set forth in the Office Action will be addressed herein.

The Office Action states that Saliba discloses receiving a request from a user, via at least one web page, for support and points to Fig. 5, item 522, col. 5, lines 25-30 and col. 17, lines 7-11 for support (Office Action – page 2). Appellants respectfully disagree.

Saliba at col. 5, lines 25-30 discloses that HTTP messages may be sent from client to server to request different types of server actions. Item 522 of Fig. 5 of Saliba illustrates an

HTTP post message generated by browser 112 for transmission to web server 116. Message 522 includes function calling information, such as object, interface, method and arguments of the function call (Saliba – col. 13, 62-67). Saliba at col. 17, lines 7-11 discloses sending a request message that contains embedded function call information from a web browser to a web server. These portions of Saliba (which are alleged in the Office Action to disclose receiving a request from the user, via the at least one web page, for support) merely disclose that a user may transmit an HTTP message via web browser 112 to web server 116. These portions of Saliba do not disclose or suggest that the HTTP request is a request for support, as required by claim 72.

The Office Action also states that Saliba discloses identifying a user party in response to the request and points to Events D and E of Fig. 5 and col. 3, lines 52-61 for support (Office Action – page 2). As pointed out in the response filed December 9, 2004, Appellants note that claim 72 recites “identifying a user support party in response to the request” (emphasis added). The Office Action merely states that Saliba discloses “identifying a user party in response to the request.” Appellants are unsure whether the Examiner intended to allege that Saliba discloses identifying a user support party, as recited in claim 72. In the previous response, Appellants requested clarification as to this issue. The Final Office Action, however, provides no such clarification. In any event, Saliba does not disclose or suggest this feature, as discussed in detail below.

Event D of Fig. 5 of Saliba discloses that upon receiving the POST message, web server 116 loads the shopping server 136 and passes the WFCP-formatted function calling information to the shopping server 136 (col. 14, lines 4-7). Event E of Fig. 5 of Saliba discloses that shopping server 136 invokes the specified COM object 320A and passes the arguments to the

specified method using the specified interface. Shopping server 136 thereby makes the function call on behalf of shopper 132. The function call may involve a query of and/or update to merchant databases 324. If an order capture method is called, the function call may update the merchant databases 324 to reflect the number of items being purchased by the consumer (col. 14, lines 8-18). These portions of Saliba do not disclose identifying a user support party in response to the request, as recited in claim 72.

Saliba at col. 3, lines 52-61 discloses that in an electronic shopping embodiment, the application specific client includes functionality similar to that of a shopping cart, wallet and an address book and the application specific server includes functionality for providing commerce related services, such as access/return product information, calculate tax, process order, etc. This portion of Saliba also does not disclose or suggest identifying a user support party in response to a request, as recited in claim 72.

For at least the reasons discussed above, Saliba does not disclose or suggest each of the features of claim 72.

Appellants note that the Final Office Action states that “Applicant’s arguments filed 5/13/05 have been fully considered but they are not deemed to be persuasive” (Final Office Action – page 2). For clarification purposes, Appellants note that no response/arguments were filed on May 13, 2005. In addition, the Final Office Action at page 2 addresses an argument Appellants allegedly made regarding no suggestion to combine the references. Again, for clarification purposes, Appellants note that no arguments regarding lack of motivation to combine references were ever presented by Appellants since the earlier rejection was based on a single reference.

The Final Office does address some of the arguments detailed above. More particularly, the Final Office Action states that Saliba discloses receiving a request from a user, via the at least one web page, for support and points to “the activities between a commerce client and a commerce server through the web browser of the user 108 and the web server 116 of the web site 100” (Final Office Action – page 4). As discussed in detail above, Saliba cannot be fairly construed to disclose or suggest this feature. In addition, the Examiner has merely generalized activities between the user 108 and web server 116 as somehow disclosing the specifically claimed feature without specifically pointing to any portion of Saliba that supports the Examiner’s allegations. Saliba, as discussed above, cannot be fairly construed to disclose or suggest this feature.

Appellants note that the Final Office has not addressed the arguments regarding identifying a user support party in response to the request, as recited in claim 72. Again, the general allegation that Saliba discloses the specifically recited features of claim 72 without pointing to any portion of Saliba that actually supports the Examiner’s position, does not satisfy the requirements of 35 U.S.C. § 103.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 72 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 72, 77, 80, 85 and 111 is respectfully requested.

2. Claims 73, 75, 81 and 83

Claim 73 recites sending the request for support to the identified user support party via a network. Since Saliba does not disclose or suggest identifying a user support party, Saliba

cannot further disclose or suggest sending the request for support to the identified user support party, much less that the request is sent via a network, as required by claim 73.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 73 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 73, 75, 81 and 83 is respectfully requested.

3. Claims 74 and 82

Claim 74 recites that the sending the request for support to the identified user support party via a network comprises sending a uniform resource locator (URL) to the user support party, the URL representing the web page with which the request was made. The Office Action states that Saliba discloses this feature and points to col. 5, lines 11-36, col. 12, lines 59-61 and Fig. 8 for support (Office Action – page 3). Appellants respectfully disagree.

Saliba, as discussed above, does not disclose or suggest identifying a user support party in response to a request. Therefore, Saliba cannot disclose or suggest sending a URL to the user support party, where the URL represents the web page with which the request was made.

As discussed in the previous response, Saliba at col. 5, lines 11-36 defines the terms URL, HTTP and HTTP post. Saliba at col. 12, lines 57-61 discloses that when the user selects the “Calculate Sales Tax” button, function calling information will be sent to a particular URL. Fig. 8 of Saliba illustrates HTML code used as part of a user interface for a shopper. None of these portions of Saliba discloses or suggests sending a URL to a user support party, where the URL represents the web page with which the request was made, as recited in claim 74.

In response to similar arguments made in the previous response, the Final Office Action

states that Saliba points to a communication between a commerce client 132 and a commerce server 136 thru the web browser 112 and the web server 116. The Final Office Action further states that this request includes name, product ID, price, quantity, size, image and reference URL (Final Office Action – page 4). Saliba at col. 12, lines 46-52 discloses that information regarding name, product ID, price, quantity, size, image and reference URL are arguments of a function call made by commerce client/shopper 132. The reference URL in Saliba is not sent to a user support party, as required by claim 74.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 74 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 74 and 82 is respectfully requested.

4. Claims 76 and 84

Claim 76 recites that the method further comprises: sending information to the identified user support party, the information comprising: at least one of the user's name or the user's telephone number, an Internet protocol address associated with the user, and a uniform resource locator representing the web page with which the request was made.

Since Saliba does not disclose or suggest identifying a user support party, Saliba cannot further disclose or suggest sending information to the identified user support party, much less that the information includes at least one of the user's name or the user's telephone number, an Internet protocol address associated with the user, and a uniform resource locator representing the web page with which the request was made, as required by claim 76. In addition, as discussed above with respect to claim 74, Saliba at col. 12, lines 46-52 discloses that information

regarding name, product ID, price, quantity, size, image and reference URL are arguments of a function call made by commerce client/shopper 132. None of this information in Saliba is sent to a user support party, as required by claim 76.

Appellants note that the Final Office Action admits that Saliba does not disclose sending the information recited in claim 76 (Final Office Action – page 4). The Final Office Action, however, states that it would have been obvious to recognize that such information would have been a matter of design choice “because these information are nothing more than a specific information fields that the user can obviously have the option to program and send to the server” (Final Office Action – page 4). Appellants respectfully disagree.

First, Saliba does not disclose sending any information to a user support party, much less any of the information recited in claim 76. Appellants note that the Examiner has not pointed to any portion of Saliba (or any other teaching) that supports the notion that sending the specifically recited information in claim 76 to an identified user support party amounts to an obvious design choice. Therefore, Appellants respectfully submit that the Examiner’s statement regarding design choice is merely speculation and is not supported by the actual disclosure of Saliba. Therefore, the Examiner’s contention regarding design choice does not satisfy the requirements of 35 U.S.C. § 103.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 76 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 76 and 84 is respectfully requested.

5. Claims 78, 79, 86 and 87

Claim 78 recites determining an identifier associated with the user, and wherein the identifying a user support party comprises identifying the user support party based on the identifier. Saliba, as discussed above, does not disclose or suggest identifying a user support party in response to a request. Therefore, Saliba cannot disclose or suggest determining an identifier associated with the user and the identifying a user support party comprises identifying the user support party based on the identifier, as recited in claim 78.

The Office Action states that Saliba discloses “the customer identifier (e.g., see Name at col. 12, line 50)” (Office Action – page 3). Appellants respectfully disagree.

Saliba at col. 12, line 50 discloses that the name of a product may be an argument of a function call. This portion of Saliba does not disclose determining an identifier associated with the user, and wherein the identifying a user support party comprises identifying the user support party based on the identifier, as recited in claim 78. In contrast, this portion of Saliba merely discloses that the name of a product, such as “Socks”, may be included as an argument in a function call.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 78 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 78, 79, 86 and 87 is respectfully requested.

6. Claims 88, 90, 91, 94, 95, 96, 97 and 112

Claim 88 recites a method in a user support system for providing support to a user accessing a web site. The method includes receiving information associated with the user, the

information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page; accessing a web page based on the received information; and establishing a communications link with the user.

As to claim 88, the Office Action states that claims 88-112 are similar to claims 72-87 "with the additional feature of establishing an on-line chat session with the user." Initially, Appellants note that claim 88 does not include this feature. In addition, claims 88-112 include features that are not included in claims 72-87. In any event, Saliba does not disclose or suggest the features of claim 88, as discussed in detail below.

Saliba, as discussed above, is not directed to providing support to a user accessing a web site. More particularly, Saliba does not disclose or suggest receiving information associated with the user, where the information comprises at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page, as required by claim 88. Saliba also does not disclose or suggest accessing a web page based on the received information, as further required by claim 88. Saliba, in contrast, merely discloses a user computer 108 interacting with a web server 116 to conduct an electronic commerce transaction (Saliba – col. 1, lines 5-12 and Fig. 1)

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 88 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 88, 90, 91, 94, 95, 96, 97 and 112 is respectfully requested.

7. Claim 89

Claim 89 recites that the received information associated with the user comprises the uniform resource locator representing the web page and wherein the web page represents a web page that the user was viewing when the request for user support was made. Saliba at col. 12, lines 46-52 discloses that information regarding name, product ID, price, quantity, size, image and reference URL are arguments of a function call made by commerce client/shopper 132 to add information to shopping basket 304. The reference URL in Saliba is not sent to a user support system for providing support to a user accessing a web site, as required by claim 89. The URL in Saliba also does not represent a web page that the user was viewing when a request for user support was made, as further required by claim 89.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 89 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claim 89 is respectfully requested.

8. Claims 92 and 93

Claim 92 recites that the method further comprises passing events performed on the user support system to the user via the communications link to enable the user to view a same web page as that being displayed by the user support system. This feature has not been addressed in either the Office Action or the Final Office Action. Appellants note that the previous response specifically requested that the Examiner address the feature of claim 92 or withdraw the rejection. The Final Office Action, however, has not addressed this feature. Therefore, a prima facie case under 35 U.S.C. § 103 with respect to claim 92 has not been established. In any event,

Saliba does not disclose or suggest this feature.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 92 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 92 and 93 is respectfully requested.

9. Claim 98

Claim 98 recites that the method further includes establishing an on-line chat session with the user. The Office Action admits that Saliba does not disclose this feature, but states that it would have been obvious to incorporate this feature in Saliba (Office Action – page 3). The Office Action, however, does not provide adequate motivation under 35 U.S.C. § 103 as to why it would have been obvious to include such a feature in Saliba. For example, the Office Action merely states that on-line chat sessions with the user are well known in the art, such as the Instant Message chat offered by AOL (Office Action – pages 3-4). Initially, the Office Action has not provided evidence showing that Instant Messaging systems, such as the one offered by AOL, existed at the time of Appellants' invention. In addition, Appellants note that claim 98 does not recite on-line chat sessions in general, but the use of an on-line chat session within a method associated with a user support system. Appellants assert that use of an on-line chat session in the claimed environment is not well known.

Appellants also note that the previous response requested that any subsequent communication provide a reference that discloses the use of an on-line chat session in the environment recited in claim 98 or withdraw the rejection. The Final Office Action, however, merely maintains that the claimed feature would have been obvious to one of ordinary skill in the

art (Final Office Action – pages 4-5). Appellants, however, note that the Examiner has not pointed to any portion of Saliba as providing objective motivation for modifying Saliba to include the feature recited in claim 98. Appellants assert that the only motivation for modifying Saliba to include such a feature comes from an attempt to reconstruct Appellants' invention based on impermissible hindsight. For the reasons discussed above, Appellants assert that the motivation to modify Saliba to include the specifically recited feature of claim 98 does not satisfy the requirements of 35 U.S.C. § 103.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 98 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claim 98 is respectfully requested.

10. Claims 99, 101, 102, 105-108 and 110

Claim 99 recites a system for providing support to a user accessing a web site, comprising at least one processing device configured to receive information associated with the user, where the information identifies the web site that the user was accessing when a request for user support was made.

Saliba does not disclose or suggest a system for providing support to a user accessing a web site that includes at least one processing device configured to receive information associated with the user, where the information identifies the web site that the user was accessing when a request for user support was made, as required by claim 99. As discussed above, Saliba merely discloses a user computer 108 interacting with a web server 116 to conduct an electronic commerce transaction (Saliba – col. 1, lines 5-12 and Fig. 1).

Saliba also does not disclose or suggest accessing the web site based on the received information, as further required by claim 99.

For at least these reasons, Saliba does not disclose or suggest each of the features of claim 99. Accordingly, withdrawal of the rejection and allowance of claim 99 are respectfully requested.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 99 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 99, 101, 102, 105-108 and 110 is respectfully requested.

11. Claim 100

Claim 100 recites that the information includes information identifying a web page that the user was viewing when the request for user support was made and when accessing the web site, the at least one processing device is configured to access the web page that the user was viewing. For reasons similar to those discussed above with respect to claim 89, Saliba does not disclose or suggest this feature.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 100 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claim 100 is respectfully requested.

12. Claims 103 and 104

Claim 103 recites that the at least one processing device includes a display device, the at least one processing device being further configured to: pass events to the user via the

communications link to enable the user to view a same web page as that being displayed by the display device. This feature has not been addressed in either the Office Action or the Final Office Action, despite a request by Appellants that the feature be particularly addressed. Therefore, a prima facie case under 35 U.S.C. § 103 with respect to claim 103 has not been established. In any event, Saliba does not disclose or suggest this feature.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 103 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claims 103 and 104 is respectfully requested.

13. Claim 109

Claim 109 recites features similar to claim 98. For reasons similar to those discussed above with respect to claim 98, Saliba does not disclose or suggest this feature.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 109 under 35 U.S.C. § 103 based on Saliba is improper. Accordingly, reversal of the rejection of claim 109 is respectfully requested.


VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejection of claims 72-112.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 
Glenn Snyder
Reg. No. 41,428

Date: January 20, 2006

11350 Random Hills Road
Suite 600
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808

IX. CLAIMS APPENDIX

72. A method for providing user support for a user accessing a web site, comprising:
providing at least one web page to the user, the at least one web page including software associated with providing user support services;

receiving a request from the user, via the at least one web page, for support; and
identifying a user support party in response to the request.

73. The method of claim 72, further comprising:

sending the request for support to the identified user support party via a network.

74. The method of claim 73, wherein the sending comprises:

sending a uniform resource locator (URL) to the user support party, the URL representing the web page with which the request was made.

75. The method of claim 73, wherein the sending comprises:

sending at least one of the user's name, the user's telephone number or an Internet Protocol address associated with the user.

76. The method of claim 72, further comprising:

sending information to the identified user support party, the information comprising:

at least one of the user's name or the user's telephone number,

an Internet protocol address associated with the user, and

a uniform resource locator representing the web page with which the request was made.

77. The method of claim 72, wherein the software comprises an applet.

78. The method of claim 72, further comprising:

determining an identifier associated with the user, and wherein the identifying a user support party comprises:

identifying the user support party based on the identifier.

79. The method of claim 78, wherein the identifier comprises a customer identifier.

80. A system for providing user support for a user accessing a web site, comprising:

at least one server configured to:

provide at least one web page to the user, the at least one web page including software associated with providing user support services;

receive a request from the user, via the at least one web page, for support; and

identify a user support party in response to the request.

81. The system of claim 80, wherein the at least one server is further configured to:

send the request for support to the identified user support party via a network.

82. The system of claim 81, wherein when sending the request, the at least one server is configured to:

send a uniform resource locator (URL) to the user support party, the URL representing the web page with which the request was made.

83. The system of claim 81, wherein when sending the request, the at least one server is configured to:

send at least one of the user's name, the user's telephone number or an Internet Protocol address associated with the user.

84. The system of claim 80, wherein the server is further configured to:

send information to the identified user support party, the information comprising:

at least one of the user's name or the user's telephone number,

an Internet protocol address associated with the user, and

a uniform resource locator representing the web page with which the request was made.

85. The system of claim 80, wherein the software comprises an applet.

86. The system of claim 80, wherein the at least one server is further configured to:

determine an identifier associated with the user, and when identifying a user support party, the at least one server is configured to:

identify the user support party based on the identifier.

87. The system of claim 86, wherein the identifier comprises a customer identifier.

88. In a user support system for providing support to a user accessing a web site, a method comprising:

receiving information associated with the user, the information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page;

accessing a web page based on the received information; and

establishing a communications link with the user.

89. The method of claim 88, wherein the received information associated with the user comprises the uniform resource locator representing the web page and wherein the web page represents a web page that the user was viewing when the request for user support was made.

90. The method of claim 88, further comprising:

sending information from the user support system to the user via the communications link.

91. The method of claim 88, wherein the communications link comprises a transmission control protocol/Internet protocol (TCP/IP) link.

92. The method of claim 88, further comprising:

passing events performed on the user support system to the user via the communications link to enable the user to view a same web page as that being displayed by the user support system.

93. The method of claim 92, wherein the events comprise actions performed by a user support party via the user support system.

94. The method of claim 88, further comprising:

receiving events performed by the user via the communications link.

95. The method of claim 88, further comprising:

displaying at least one of the user's name or the user's telephone number.

96. The method of claim 88, wherein the establishing a communications link with the user comprises:

using an Internet Protocol address associated with the user to establish the communications link.

97. The method of claim 88, wherein the information associated with the user is received in an applet.

98. The method of claim 88, further comprising:

establishing an on-line chat session with the user.

99. A system for providing support to a user accessing a web site, comprising:

at least one processing device configured to:

receive information associated with the user, the information identifying the web site that the user was accessing when a request for user support was made,

access the web site based on the received information, and

establish a communications link with the user.

100. The system of claim 99, wherein the information includes information identifying a web page that the user was viewing when the request for user support was made and when accessing the web site, the at least one processing device is configured to access the web page that the user was viewing.

101. The system of claim 99, wherein the at least one processing device is further configured to:

send information to the user via the communications link.

102. The system of claim 99, wherein when establishing a communications link, the at least one processing device is configured to establish a transmission control protocol/Internet protocol (TCP/IP) link.

103. The system of claim 99, wherein the at least one processing device includes a display device, the at least one processing device being further configured to:

pass events to the user via the communications link to enable the user to view a same web page as that being displayed by the display device.

104. The system of claim 103, wherein the events comprise actions performed by a user support party via the at least one processing device.

105. The system of claim 99, wherein the at least one processing device is further configured to:

receive events performed by the user via the communications link, and
display information associated with the events.

106. The system of claim 99, wherein the information comprises at least one of the user's name or the user's telephone number, the at least one processing device being further configured to:

display at least one of the user's name or the user's telephone number.

107. The system of claim 99, wherein the information comprises an Internet Protocol address associate with the user, the at least one processing device being further configured to:

use the Internet Protocol address associated with the user when establishing the communications link.

108. The system of claim 99, wherein the information associated with the user is received via an applet.

109. The system of claim 99, wherein the at least one processing device is further configured to:

establish an on-line chat session with the user.

110. The system of claim 99, wherein the at least one processing device comprises a workstation.

111. A system, comprising:

means for providing at least one web page to a user, the at least one web page including software associated with providing user support services;

means for receiving a request for support from the user via the at least one web page; and

means for identifying a user support party in response to the request.

112. A system, comprising:

means for receiving information associated with a user, the information comprising at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a uniform resource locator representing a web page that the user was viewing when a request for user support was made;

means for accessing a web page based on the received information; and

means for establishing a communications link with the user.

Appeal Brief

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X. EVIDENCE APPENDIX

None

XI. RELATED PROCEEDINGS APPENDIX

None